

REMARKS

Reconsideration of the above-identified application is respectfully requested.

This amendment is responsive to the Final Rejection issued April 14, 2004 and Examiner's Advisory Action dated July 2, 2004. It has been requested that the Examiner not enter the previously submitted Amendment under 37 C.F.R. §1.116 on June 14, 2004.

In the FINAL REJECTION dated April 14, 2004, the Examiner had further maintained the requirement that a new formal drawing be submitted to correct defects recited in a prior Office Action mailed March 13, 2002 and which had been proposed to be corrected in applicants' first response submitted June 17, 2002. Respectfully, applicant will submit such formal drawing as soon as there is an indication of allowable subject matter.

Further in the Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for claimed subject matter and particularly, objected to use of terms meaning the "same thing." It appears that the Examiner has objected to the various names given in the specification and claims for the form factor that embodies the functionality of the invention. In response, applicant amends herein Claims 1, 3-4, 6-11, 16, 18, 22 and 24 to set forth the use of a personal smart device, which has been defined in the specification as originally filed on page 4, lines 7-14. The use of the term personal smart device respectfully is not new subject matter and the Examiner is respectfully requested to remove the objection to these claims.

Further in the Office Action, the Examiner has required the applicant to explicitly and clearly set forth a special definition provided in the written description for the following recitation in each of Claims 1, 16 and 22: "personalized user preferences relating to customized application settings of a user application"

In response, applicants hereby amend each of independent Claims 1, 16 and 22 to replace the language directed to "personalized user preferences relating to customized application settings" of a user application with a new recitation (e.g., in amended Claim 1): interface settings data for configuring an interface of an application executing on a first computing device, the interface settings data of an application having been customized at said first computing device according to a user preference. Respectfully, no new matter is being entered by this recitation and full support is found in the specification as will be described hereinbelow.

Respectfully, the applicant submits that the definition of the replaced recitation interface settings data for configuring an interface or customized interface settings data is clear and definite and is supported by a specification passage as originally filed on page 12, lines 2-12, to wit:

...types of personalization data may include profile information such as desktop profile (list of applications on the main desktop), screen resolutions, screen savers, menus on start button, preferred settings for various applications, browser bookmarks, history of web sites visited, history of files last viewed, registry settings, passwords for various web sites and applications used by the owner. Furthermore, a personalized menu such as the bar of icons used for Freelance Graphics, Powerpoint, and related preferred settings such as font, document style, and dictionaries, may also be communicated to the smart personal pointing device...

Respectfully, all of these personalization "data" relate to an application's interface configuration settings, e.g., text font, document style, screen resolutions, a history of web sites visited, a (Window's ®) desktop profile (see specification page 12, lines 27-29, and custom menu bar icons for Netscape Navigator application, for instance, (see specification on page 13, lines 8-16). Such interface settings data include preferences that are "stored in

preference files in the device memory corresponding to a particular application" (see specification at page 12, lines 13-15.

Further, as now set forth in amended Claims 1, 16 and 22 have been amended to set forth that stored customized application interface settings data for configuring an interface of an application are transferred for registration with a like user application executing in a second computing device. This is clearly supported in the specification where, in reference to a customized Window's® Desktop, the inventive process includes copying the preferences from the personal smart device for the commonly used applications and "registering these preferences with the applications." (see specification on page 14, lines 10-13 in support of Figure 4(a), step 513.

The applicant respectfully submits that the term customized application interface settings data (and variations thereof as now set forth in the amended claims) is clear and definite, and satisfy the requirements of MPEP §2111. Accordingly, the Examiner is respectfully requested to withdraw the rejections of the claimed recitations. Further, new Claims 28-29 (dependent upon Claim 1) and new Claims 30-31 (dependent upon Claim 16) are being added to set forth the types of application interface settings data as described herein and supported in the specification. New Claim 32 is directed to an apparatus for customizing a first computing device with application interface settings customized for an application executing in a second computing device. Respectfully, this new claim tracks language of previous amended claims and no new matter is being added.

Further in the Office Action, the Examiner has maintained the finality of the rejection of all Claims 1, 4, 6, 7, 9, 14-16, 19-22 and 25-27 under 35 U.S.C. §103(a) as allegedly unpatentable in view of Mital (U.S. Patent No. 5,878,282)(hereinafter "Mital"). The

Examiner further finally rejected Claims 3, 11, 17, 18, 23 and 24 under 35 U.S.C. §103(a) as allegedly unpatentable over Mital in view of Allport (U.S. Patent No. 6,256,019).

Furthermore, the Examiner finally rejected the Claim 10 under 35 U.S.C. §103(a) as being allegedly unpatentable over Mital in view of Banerjee et al. (U.S. Patent No. 6,292,181).

With respect to the rejections of all claims under 35 U.S.C. §103(a) as allegedly unpatentable in view of Mital, applicant respectfully disagrees.

Respectfully, Mital is not concerned about transferring interface settings data for configuring an interface of an application -the interface settings data of an application having been customized according to a user preference, and there is no teaching in Mital to suggest that this. Mital rather, is concerned about transferring data and code between a mobile device and another device; customized application interface settings data is not what is being transferred. The Mital passages cited by the Examiner in the rejection of the independent claims, are directed to a manner of transferring data for existing applications executable on a personal organizers (e.g., palm pilot) or personal digital assistant (PDA)-type devices, for example, scheduling data, phone book data and address data, and the like, etc., which it is respectfully submitted, is not user customized application interface settings data. It is just application data.

Thus, Mital is directed to another objective, the ability to execute an application on another device, or provide relevant user data for personal organization, e.g., maintaining schedules, "to-do" lists and personal notes and calendar planning (See Mital at Col. 1, lines 30-37). Mital respectfully does not teach the objective of the present invention which is the ability to port application interface settings data customized by a user on a first computer device to the same application executing on a second computing device so that the application executing on the second device is formatted in accordance with the customized

interface settings. This enables the streamlining and facility of a user's interaction with a familiar program executing on the second device in that that user's customized application interface setting data (settings data from that user's first device) will be automatically implemented. Mital, on the other hand just transfers data to a second device which are shown by the applications executing on the second device, which is not the intent of the present invention.

Thus, in sum, applicants respectfully disagree with the Examiner that transferring of user's customized application interface setting and letting the application adapt to that is obvious from Mital's patent. The user's preference data portable by the smart mouse device of the present invention to the second computer device is different from the user's application data being transferred in Mital. That is, altering the like user application executing in the second computing device in accordance with said customized application settings as a result of the transfer by the smart mouse device in the present invention requires the second computer device to first determine the application on which the smart mouse is present and then adjust the settings (See Figure 4(a)-(b) of the present application). Customization data in the present invention, is not applied for applications that the user does not mouse over.

On the other hand, Mital describes the transfer of data between, for example, a calendar application on a PC to a calendar application on its portable information device (Mital's PID) device which comprises a keypad and a flat panel display mechanism and processing power for running a same application. This, for example, is stated in Mital's Summary of the Invention, to wit:

...the portable information device stores the executable instructions and/or data received from the computer in its memory. The instructions and new

data are then used by the portable information device when it is removed from the computer memory drive...

(Mital at Col. 3, lines 40-43) and further,

The portable information device has its own power supply and is operable to organize tasks, remind the user of important dates, and perform any other function of a personal organizer. While away, the user can enter information using the keypad, or read scheduling information on the flat panel display...

(Mital at Col. 3, lines 50-53). Thus, in Mital, there is a correspondence between application on the PC to the application on its PID device. In the present invention, there is no concept of the application itself executing on the smart mouse (transfer) device itself to which preference information is associated.

Applicants further submit that the material covered by Mital was most likely already in the Palm Pilot product as far back as 1995. Notwithstanding this, amended Claims 1, 16 and 22 now clearly set forth the transfer of user preferences relating to customized application settings of a user application for storage in the smart pointer device that are subsequently registered with a common application on a visited (second computing) device. This feature is neither taught nor suggested by Mital whether taken alone or in combination with the technologies such as described in Allport (which is directed to secure logging on features for consumer device controllers that incorporates bio-metric identification technologies) or Banerjee (which is directed to a mobile interface device that enables seamless access to a host system to enable user elimination of data inconsistencies due to multiple copies of data over a wireless medium). Having failed to teach or suggest the manner in which user application preference settings are transferred between two devices as set forth in amended Claims 1, 16 and 22, it is respectfully submitted that the rejections of these Claims based on 35 U.S.C. §103(a), and all other claims dependent thereon, be

withdrawn. Of these claims, Claims 3 and 4 have additionally been amended to conform according to the amendments to Claim 1 from which they depend.

With regard to the Examiner's indication that the feature of recognizing or determining the like application on the second (visited) device, for instance, via the personal smart device, had been argued in the prior response submitted by applicant, but not explicitly claimed, applicant submits, to the contrary, this feature had been claimed in original dependent Claims 15, 21 and 27. That is, according to the invention, in Claims 15, 21 and 27, the customized user interface settings data for configuring a display interface for an application according to the invention that is being transferred to the personal smart device from a first user device, is used to change the interface settings data of a like application executing on a second user device, and is automatically transferred to the second device when it recognizes the like application on the second device.

Respectfully, as previously argued, Mital is not concerned about transferring user preferences relating to customized application settings of a user application and there is no teaching in Mital to suggest that this. Mital rather, is concerned about transferring data and code between a mobile device and another device; "User preferences" or setting data is not what is being transferred, nor is it suggested that this is capable of being transferred. The Mital passages cited by the Examiner in the rejection of the independent claims, are directed to a manner of transferring executable instructions, or data for existing applications executable on a personal organizers (e.g., palm pilot) or personal digital assistant (PDA)-type devices, for example, scheduling data, phone book data and address data, and the like, etc., which it is respectfully submitted, is not user application settings preference data. It is just application data.

Thus, Mital is directed to another objective, the ability to execute an application on another device, or provide relevant user data for personal organization, e.g., maintaining schedules, "to-do" lists and personal notes and calendar planning (See Mital at Col. 1, lines 30-37). Mital respectfully does not teach the objective of the present invention which is the ability to port customized application interface settings data for configuring an interface of an application maintained on a first computer device to the same application executing on a second computing device so that the application executing on the second device is formatted in accordance with the users settings. This enables the streamlining and facility of a user's interaction with a familiar program executing on the second device in that that user's preferences (application preference settings from that user's first device) will be automatically implemented. Mital, on the other hand just transfers application data to a second device application for organization/display thereof which are shown by the applications executing on the second device, which is not the intent of the present invention.

Thus, in sum, applicant respectfully disagrees with the Examiner that transferring of user customized application interface settings data for configuring an interface of an application and letting the application adapt to that is obvious from Mital's patent. The user's preference data portable by the personal smart device of the present invention to the second computer device is different from the user's application data being transferred in Mital. That is, altering the like user application executing in the second computing device in accordance with said customized application settings as a result of the transfer by the personal smart device in the present invention requires the second computer device to first recognize the application on which the personal smart device is present and then adjust the interface settings (See Figure 4(a)-(b) of the present application).

Respectfully, the other cited references do not make up the deficiencies of Mital.

In light of the amendments to Claim 1, 16 and 22 and the forgoing arguments Applicant respectfully requests the Examiner to withdraw the rejections based on Mital, whether taken alone or in combination with the other references.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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